

April 2025

DAVID LUBAN

**Distinguished University Professor;
Professor of Law and Philosophy
Georgetown University Law Center**

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Professional Experience

Georgetown University Law Center (joint appointment in the Department of Philosophy):

Distinguished University Professor, beginning 2006
Co-Director, Center on National Security and the Law
Academic Director, Center for Transnational Legal Studies (London), 2012–13
Acting Director, Center on National Security and the Law, 2009–2011
Frederick Haas Professor of Law and Philosophy, 1997–2006

Stockdale Center for Ethical Leadership, United States Naval Academy:

Class of 1965 Distinguished Chair in Ethics, 2013–2025 (on leave 2015–16)

University of Maryland School of Law:

Morton and Sophia Macht Professor of Legal Ethics, 1993–97
R. F. Stanton Professor of Law, 1989–93
Professor of Law, beginning 1988
Associate Professor of Law, 1986–88
Visiting Associate Professor of Law, 1985–86
Lecturer in Law, 1979–85

University of Maryland, College Park

Research Scholar, Institute for Philosophy and Public Policy, 1979–1997
Adjunct Professor of Philosophy, 1990–1997

Kent State University:

Assistant Professor of Philosophy, 1975–79.
Faculty Associate to the Center for Peaceful Change, 1975–79.

Yale University: Lecturer in Philosophy, 1974–75.

Visiting Positions

University of Virginia Law School: Visiting Professor of Law, spring semester 2021

Harvard Law School: Covington & Burling Distinguished Visitor and Lecturer in Law, fall semester 2015

- Visiting Professor of Law, winter term, 1989

Interdisciplinary Center, Herzliya, Israel: Visiting Professor of Law, May 2014 (taught short course)

Center for Transnational Legal Studies (London): Academic co-director, 2012–13

Fordham Law School: Bacon-Kilkenny Distinguished Visiting Professor, spring semester 2012

Institute for Advanced Studies, Hebrew University: Fellow, spring/summer 2011

Stanford Law School: Leah Kaplan Visiting Professor of Human Rights, 2005–06

Woodrow Wilson International Center for Scholars, Washington, D.C.: Fellow, 1996–97

Yale Law School: Visiting Professor of Law and W. M. Keck Foundation Distinguished Senior Fellow in Legal Ethics and Professional Culture, 1994–95

University of Melbourne: Visiting Research Fellow (taught in philosophy department), spring semester 1992

Dartmouth College: Visiting Associate Professor of Philosophy, 1984–85

Academic Honors

Member, American Academy of Arts and Sciences

Distinguished Fellow, National Institute of Military Justice

2022 M. C. Bassiouni Justice Award (awarded by the Centre for International Law Research and Policy, for outstanding service to the study of core international crimes)

2015 American Publishers Association Award for Professional and Scholarly Excellence (the PROSE Award) in philosophy

Keck Foundation Award and Lectureship for distinguished scholarship on legal ethics and professional responsibility, American Bar Foundation Fellows, 1998.

Guggenheim Fellow, 1989-90

Woodrow Wilson Fellow, 1996–97

Phi Beta Kappa lecturer, 1993-95

Sanford D. Levy Prize, awarded by the New York State Bar Association for best paper on legal ethics and professionalism, 1992

University of Maryland Eminent Scholar, 1989-97

Teaching Award

Frank Flegal Teaching Award (Georgetown Law's annual teaching award), 2005.

Education

Ph.D.: December 1974, Yale University, Philosophy. Danforth Fellow; Woodrow Wilson Fellow.

M.Phil.: December 1973, Yale University, Philosophy

M.A.: December 1973, Yale University, Philosophy

B.A.: June 1970, University of Chicago, Ideas and Methods, with concentration in mathematics.
Honors at graduation; Phi Beta Kappa.

Publications

BOOKS

POWERS OF JUDGMENT: HANNAH ARENDT'S MORAL AND LEGAL PHILOSOPHY (Cambridge University Press, forthcoming 2025).

TORTURE, POWER, AND LAW (Cambridge University Press, 2014).

Winner of the 2015 American Publishers Association Award for Professional and Scholarly Excellence (the PROSE Award) in philosophy.

UNA TEORÍA DE LOS CRÍMENES CONTRA LA HUMANIDAD, Spanish translation by Ezequiel Malarino and Marisa Vázquez of *A Theory of Crimes Against Humanity* (Bogota: Editorial Temis S.A., 2011).

İNSANLIĞA KARŞI SUÇLARIN KURAMI, Turkish translation by Hüseyin Gunal of *A Theory of Crimes Against Humanity* (Istanbul: Tekin Yayınevi, 2019).

LEGAL ETHICS AND HUMAN DIGNITY (Cambridge University Press, 2007).

HORITSUKA RONRI TO YOKI HANTANROKU (GOOD JUDGMENT IN LEGAL ETHICS) (Chuo University Press, Series of The Institute of Comparative Law in Japan 46, Tokyo, 2002).
Japanese translation by Hiroshi Sumiyoshi of seven papers, with an author's preface in English and Japanese.

LEGAL MODERNISM (University of Michigan Press, 1994; paperback 1997).

- FA LU XIAN DAI ZHU YI, Chinese translation by Yigong Su, with a new preface, Chinese University of Political Sciences and Law (2005).

LAWYERS AND JUSTICE: AN ETHICAL STUDY (Princeton University Press, 1988).

Textbooks

INTERNATIONAL AND TRANSNATIONAL CRIMINAL LAW, 4th edition (Aspen Publishing)(co-authors Julie R. O'Sullivan, David P. Stewart, and Neha Jain) (2023).
(co-authors O'Sullivan and Stewart): 1st edition, 2010; 2nd edition 2014
(co-authors O'Sullivan, Stewart, and Jain): 3rd edition, 2019.

LEGAL ETHICS, 9th edition (Foundation Press) (co-authors Scott L. Cummings, Nora Freeman Engstrom, Benjamin Barton, Deborah L. Rhode (deceased)) (2024).
(co-author Deborah L. Rhode): 1st edition, 1992; 2nd edition, 1995; 3rd edition, 2001; 4th edition, 2004; 5th edition, 2008;
(co-authors Rhode and Cummings): 6th edition, 2012;
(co-authors Rhode, Cummings, and Engstrom): 7th edition, 2016; 8th edition, 2020.

Edited collections

LEGAL ETHICS: LAW STORIES (co-edited with Deborah L. Rhode)(Foundation Press, 2005).

THE ETHICS OF LAWYERS, International Library of Essays in Law & Legal Theory (Dartmouth Publishing [UK]/NYU Press [US], 1994).

THE GOOD LAWYER: LAWYERS' ROLES AND LAWYERS' ETHICS (Rowman & Allanheld, 1983).

ARTICLES, BOOK-CHAPTERS, ETC.

A. Journal articles, book chapters, review essays

Since 2015

[1] *Human Rights Pragmatism and Human Dignity*, PHILOSOPHICAL FOUNDATIONS OF HUMAN RIGHTS, Massimo Renzo, Rowan Cruft, & Matthew Liao, eds. (Oxford University Press, 2015), pp. 263-78.

[2] *Unsatisfying Wars: Degrees of Risk and the Jus ex Bello* (with Gabriella Blum), ETHICS, vol. 125 (April 2015), pp. 751-780.

[3] *Arendt on the Crime of Crimes*, RATIO JURIS, vol. 28, no. 3 (2015), pp. 307-25. This article is the centerpiece of a symposium.

[4] *Time-Mindedness and Jurisprudence*, VIRGINIA LAW REVIEW, vol. 101, no. 4 (2015), pp. 903-17.

[4a] Chinese translation in preparation by Gao Yunjie, to appear in SISU LAW REVIEW [Shanghai International Studies University] (forthcoming).

[5] *A Communicative Conception of Torture*, (excerpted and revised from chapter 5 of *Torture, Power, and Law*), RIVISTA DI FILOSOFIA DEL DIRITTO/JOURNAL OF LEGAL PHILOSOPHY, vol. 4, no. 2 (2015), pp. 257-70.

[5a] An extract appears as *Pain and Powerlessness: Understanding the Evil of Torture*, AUSTRALIAN BROADCASTING COMPANY: RELIGION & ETHICS, June 1, 2018, <https://www.abc.net.au/religion/pain-and-powerlessness-understanding-the-evil-of-torture/10094670>.

[6] *Optimism, Skepticism, and Access to Justice*, TEXAS A & M LAW REVIEW, vol. 3, no. 3, pp. 495-513 (2016).

[7] *Human Rights Thinking and the Laws of War*, THEORETICAL BOUNDARIES OF ARMED CONFLICTS AND HUMAN RIGHTS, Jens Ohlin, ed. (Cambridge University Press, 2016), pp. 45-77.

[8] *Knowing When Not to Fight*, in THE OXFORD HANDBOOK OF THE ETHICS OF WAR, Helen Frowe & Seth Lazar, eds. (Oxford University Press, 2018), pp. 185-203.

[9] *Demystifying Political Violence: Some Bequests of ICTY and ICTR*, AJIL UNBOUND, vol. 110 (2016), pp. 251-57. Part of “Symposium on the International Criminal Tribunals for the Former Yugoslavia and Rwanda: Broadening the Debate.”

[10] *Philosophical Legal Ethics: An Affectionate History* (with W. Bradley Wendel), GEORGETOWN JOURNAL OF LEGAL ETHICS, vol. 30, no. 3 (2017): 337-64.

[10a] *La filosofía de la ética profesional: una historia entrañable*, Spanish translation of [17] by Javier Gallego Saade, VALDIVIA LAW JOURNAL vol. 33, no. 2 (2020), pp. 49–78.

[11] *Just War Theory and the Laws of War as Non-Identical Twins*, ETHICS & INTERNATIONAL AFFAIRS, vol. 31, no. 4 (2017), pp. 443-50.

[12] *The Enemy of All Humanity*, NETHERLANDS JOURNAL OF LEGAL PHILOSOPHY, vol. 47, no. 2 (2018), pp. 112-37. This article is the centerpiece of a symposium issue on my work.

[12a] Concurrently in OXFORD HANDBOOK OF INTERNATIONAL CRIMINAL LAW, ed. Kevin Jon Heller, Frédéric Megret, Sarah Nouwen (Oxford University Press, 2020), pp. 558–82.

[13] *On the Humanity of the Enemy of Humanity: A Response to My Critics*, NETHERLANDS JOURNAL OF LEGAL PHILOSOPHY, vol. 47, no. 2 (2018), pp. 187-99 (responding to four commentators on [19]). This article is part of a symposium issue on my work.

[14] *What Is Philosophical Legal Ethics, and Why Should Lawyers Care?*, ÉTICA Y DERECHO: JORNADAS DE ÉTICA PROFESIONAL DEL ABOGADO (Tirant Lo Blanch, 2016-18), pp. 19-36. This paper overlaps in part with [17].

[15] *Personality Disruption as Mental Torture: The CIA, Interrogational Abuse, and the U.S. Torture Act* (with Katherine S. Newell), GEORGETOWN LAW JOURNAL, vol. 108, no. 2 (2019), pp. 333-87.

[15a] An abridged and revised version of [22], in INTERROGATION AND TORTURE: INTEGRATING EFFICACY WITH LAW AND MORALITY, ed. Steven J. Barela, Mark Fallon, Gloria Gaggioli, and Jens David Ohlin (Oxford University Press, 2019), pp. 36-69.

[16] *Prefaces and Postscripts: Walzer's Just and Unjust Wars at Age 40*, in WALZER AND WAR: READING JUST AND UNJUST WARS TODAY, ed. Graham Parsons & Mark Wilson (Palgrave Macmillan, 2020), pp. 15–30.

[17] *Fiduciary Legal Ethics, Zeal, and Moral Activism*, GEORGETOWN JOURNAL OF LEGAL ETHICS, vol. 33 (2020), pp. 275–300.

[17a] Chinese translation by Xiling Cui, in ETHICS AND NORMS OF THE LEGAL PROFESSION (FǎLǚ Zhíyè de Lúnlí Yǔ Guīfàn) (Shanghai People's Publishing House, forthcoming).

[18] *Responsibility to Humanity and Threats to Peace: An Essay on Sovereignty*, BERKELEY JOURNAL OF INTERNATIONAL LAW vol. 38 (2020), 185–239.

- [18a] To be republished in *THE BOUNDARIES OF SOVEREIGNTY*, ed. Eyal Benvenisti (Oxford University Press, forthcoming).
- [18b] An abridged version will be published in a special issue of *ARCHIV FÜR RECHTS- UND SOZIALPHILOSOPHIE*.
- [18c] *Nacionalizm, prava liudyny ta perspektyny myru*, *FILOSOFIA PRAVA I ZAGALNA TEORIA PRAVA* [PHILOSOPHY OF LAW AND GENERAL THEORY OF LAW] 1 (2020): 147-71 (in Ukrainian).
- [19] *International Law and Theories of Global Justice* (with Steven Ratner, Carmen Pavel, Jiewuh Song, James Graham Stewart), 114 *PROCEEDINGS OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW* 281 (2021), available at SSRN: <https://ssrn.com/abstract=3686177>.
- [20] *Complicity and Lesser Evils: A Tale of Two Lawyers*, *GEORGETOWN JOURNAL OF LEGAL ETHICS*, vol. 34, no. 3 (2021), pp. 613–664.
- [21] *Lemkin: An Apologia, a Critique, and a Puzzle*, in *LE DROIT SANS FRONTIÈRES—RECHT OHNE GRENZEN—LAW WITHOUT BORDERS: MÉLANGES POUR FRANZ WERRO*, Eva Maria Belser, Pascal Pichonnaz, Hubert Stöckli, eds. (Stämpfli Editions, 2022), pp. 435–43.
- [22] *The Shape of a Life: Deborah L. Rhode in Memoriam*, *FORDHAM LAW REVIEW* vol. 34 (2023), pp. 1334–54.
- [23] *The Torture Debate*, in *JUSTICE AT THE MARGINS OF WAR: THE ETHICS OF ESPIONAGE AND GRAY ZONE OPERATIONS*, ed. Edward Barrett (Naval Institute Press, 2023), pp. 35–43.
- [24] *Bloodthirsty Religion? An Inquiry into the Religious Sources of Hate Speech and Violence*, in *RELIGION, HATEFUL EXPRESSION AND VIOLENCE*, ed. Morten Bergsmo and Kishan Manocha (Torkel Opsahl Academic EPublisher, 2023), pp. 31–47, <https://www.toaep.org/ps-pdf/41-bergsmo-manocha/>.
- [25] *What Is Military Necessity? A Defense of the Marginal Interpretation*, in *RETURNING MILITARY NECESSITY TO JUST WAR STATECRAFT*, ed. Eric Patterson and Marc LiVecche (Routledge, 2024).
- [26] *Moral Injury and Atonement*, *JOURNAL OF MILITARY ETHICS* (Feb. 29, 2024), <https://www.tandfonline.com/doi/full/10.1080/15027570.2024.2318879>.
- [26a] To be reprinted in *ETHICS AND MORAL REASONING FOR NAVAL LEADERS*, ed. Marc LiVecche & Robert G. Herbert, Jr. (Pearson Publishers, forthcoming).
- [27] *“There Was a Before 9/11 and There Was an After 9/11”: What Did the War on Terror Change?*, in *9/11 AND THE WAR ON TERROR TWENTY YEARS LATER: ETHICAL REFLECTIONS TWENTY YEARS ON* (Oxford University Press, forthcoming).
- [28] *Power’s Tribute to Reason: The Nuremberg Principles at Age 70*, in *70 YEARS NUREMBERG PRINCIPLES—70 PERSPECTIVES* (forthcoming, International Nuremberg Principles Academy).

- [29] *The Crime of Aggression: Its Nature, the Leadership Clause, and the Paradox of Immunity*, in ELSEVIER RESEARCH HANDBOOK ON INTERNATIONAL LEGAL THEORY AND WAR, ed. Tom Dannenbaum and Eliav Lieblich (forthcoming).

SSRN https://papers.ssrn.com/sol3/papers.cfm?abstract_id=4952638.

- [30] *From Nuremberg to Kyiv: Four Puzzles of Aggression and Accountability*, in NUREMBERG PRINCIPLES AND UKRAINE: THE CONTEMPORARY CHALLENGES OF PEACE, SECURITY, AND JUSTICE, ed. Marshall Breger and Herbert Reginbogin (forthcoming).

Reviews and symposium contributions (since 2015)

- [1] *Has Obama Upheld the Law?*, review of CHARLIE SAVAGE, POWER WARS, NEW YORK REVIEW OF BOOKS, vol. 63, no. 7 (April 21, 2016), pp. 20-23.
- [2] *Say What You Will?*, review of TIMOTHY GARTON ASH, FREE SPEECH: TEN PRINCIPLES FOR A CONNECTED WORLD, NEW YORK REVIEW OF BOOKS, vol. 63, no. 14 (Sept. 29, 2016), pp. 36-40.
- [3] *Is Thin Justice Justice?*, review of Steven Ratner, THE THIN JUSTICE OF INTERNATIONAL LAW, on-line symposium, James G. Stewart international law weblog, at jamesgstewart.com (2016), <http://jamesgstewart.com/is-thin-justice-justice/>.
- [4] *Group Rights, Group Intentions, and the Value of Groups*, JOURNAL OF GENOCIDE RESEARCH, vol. 20 (2018), <https://www.tandfonline.com/doi/full/10.1080/14623528.2018.1445422>. Book symposium on Beryl Lang, GENOCIDE: THE ACT AS IDEA.
- [5] *Humanitarianism as a Weapons System*, TEMPLE JOURNAL OF INTERNATIONAL AND COMPARATIVE LAW, vol. 32, no. 1 (2018), pp. 47-51. Book symposium on Rosa Brooks, HOW EVERYTHING BECAME WAR AND THE MILITARY BECAME EVERYTHING.
- [6] *Self-Representation, Access to Justice, and the Quality of Counsel*, JERUSALEM REVIEW OF LEGAL STUDIES (2018), <https://academic.oup.com/jrls/article/17/1/46/5032542?guestAccessKey=1645903d-1137-48b7-bed0-223c297bf051>. Book symposium on Rabeea Assy, INJUSTICE IN PERSON: THE RIGHT TO SELF-REPRESENTATION.
- [7] *Joseph K. in Washington*, review of ERWIN CHERMERINSKY, CLOSING THE COURTHOUSE DOORS, NEW YORK REVIEW OF BOOKS, vol. 65, no. 5 (March 22, 2018), <https://www.nybooks.com/articles/2018/03/22/josef-k-in-washington/>.
- [8] *Review of Jan Klabbers*, VIRTUE IN GLOBAL GOVERNANCE, AMERICAN JOURNAL OF INTERNATIONAL LAW, vol. 117, no. 4 (2023), pp. 743-49.
- [9] *Accountability for Lawyers and Lawyer-Bashers*, JERUSALEM REVIEW OF LEGAL STUDIES (forthcoming). Book symposium on W. Bradley Wendel, CANCELING LAWYERS: CASE STUDIES OF ACCOUNTABILITY, TOLERATION, AND REGRET.
- [10] *Nuclear Weapons and International Law 2025: Nuclear Risks Through a Legal Lens*, GEORGETOWN JOURNAL OF INTERNATIONAL LAW (forthcoming)(symposium).

Before 2015

- [1] *The Form of the Good in the Republic*, JOURNAL OF VALUE INQUIRY, vol. 12, no. 3, pp. 161-68 (1978).
- [2] *A Dilemma in Spinoza's Theory of Knowledge*, PROCEEDINGS OF THE OHIO PHILOSOPHICAL ASSOCIATION, pp. 20-37 (1979).
- [3] *On Habermas on Arendt on Power*, PHILOSOPHY AND SOCIAL CRITICISM, vol. 6, no. 1, pp. 80-95 (1979).
- [4] *Professional Ethics: A New Code for Lawyers?* THE HASTINGS CENTER REPORT, vol. 10, no. 3, pp. 11-15 (1980).
- [5] *Just War and Human Rights*, PHILOSOPHY & PUBLIC AFFAIRS, vol. 9, no. 2, pp. 160-81 (1980).
- [5a] Revised and republished in INTERNATIONAL ETHICS: A PHILOSOPHY & PUBLIC AFFAIRS READER, edited by Charles Beitz, Marshall Cohen, Thomas Scanlon, and A. John Simmons (Princeton University Press, 1985).
- [5b] Reprinted in JUSTICE, edited by Thomas Morawetz (Dartmouth Publishing Co., International Library of Essays in Law and Legal Theory, 1992).
- [5c] Excerpted in THE HUMAN RIGHTS READER: MAJOR POLITICAL ESSAYS, SPEECHES, AND DOCUMENTS FROM THE BIBLE TO THE PRESENT, edited by Micheline R. Ishay (Routledge, 1997), pp. 68-77.
- [5d] Reprinted in Thomas Pogge and Keith Horton, eds., GLOBAL ETHICS: SEMINAL ESSAYS (Paragon House, 2008).
- [5e] Excerpted in Larry May, Eric Rovie, and Steve Viner, eds., THE MORALITY OF WAR: CLASSICAL AND CONTEMPORARY READINGS (Pearson Prentice-Hall, 2005), pp. 272-80.
- [5f] Reprinted in Anthony Coady and Igor Primoratz, eds., MILITARY ETHICS (Ashgate, 2008), pp. 33-54.
- [6] *The Romance of the Nation-State*, PHILOSOPHY & PUBLIC AFFAIRS, vol. 9, no. 4, pp. 392-97 (1980).
- [6a] Reprinted in INTERNATIONAL ETHICS: A PHILOSOPHY & PUBLIC AFFAIRS READER, edited by Charles Beitz, Marshall Cohen, Thomas Scanlon, and A. John Simmons (Princeton University Press, 1985).
- [6b] Reprinted in Larry May, Eric Rovie, and Steven Viner, eds., THE MORALITY OF WAR: CLASSICAL AND CONTEMPORARY READINGS (Pearson Prentice-Hall, 2005), pp. 344-47.
- [7] *Calming the Hearsed Horse: A Philosophical Research Program for Legal Ethics*, MARYLAND LAW REVIEW, vol. 40, no. 3, pp. 451-76 (1981).

- [8] *Why We Mistrust Lawyers*, QQ, vol. 1, no. 3 (Summer 1981).
- [8a] Reprinted in Claudia Mills, ed., *VALUES IN PUBLIC POLICY* (Harcourt Brace Jovanovich, 1992), pp. 127-31.
- [9] *Paternalism and the Legal Profession*, WISCONSIN LAW REVIEW, vol. 1981, no. 3, pp. 454-93 (1981).
- [9a] Spanish translation in ARGENTINE JOURNAL OF LEGAL THEORY (Universidad Torcuato Di Tella, Buenos Aires)(forthcoming).
- [10] *ETHICS AND THE LEGAL PROFESSION: A MODEL COURSE*, Center for Philosophy and Public Policy booklet (1982), 29 pp.
- [11] *The Twice-Told Tale of Mr. Fixxit: Reflections on the Brandeis/Frankfurter Connection* (review essay of BRUCE ALLEN MURPHY, *THE BRANDEIS/FRANKFURTER CONNECTION*), YALE LAW JOURNAL, vol. 91, no. 8, pp. 1678-1707 (1982).
- [12] *Explaining Dark Times: Hannah Arendt's Theory of Theory*, SOCIAL RESEARCH, vol. 50, no. 1, pp. 215-48 (1983).
- [12a] Revised and reprinted in Lewis Hinchman and Sandra Hinchman, *HANNAH ARENDT: CRITICAL ESSAYS* (SUNY Press, 1994).
- [12b] Revised and reprinted in Luban, *LEGAL MODERNISM*.
- [13] *The Adversary System Excuse*, in *THE GOOD LAWYER: LAWYERS' ROLES AND LAWYERS' ETHICS* (Rowman & Allanheld), pp. 83-122 (1983).
- [13a] Reprinted in slightly abridged form in *READINGS IN THE PHILOSOPHY OF LAW*, edited by John Arthur and William H. Shaw (Prentice-Hall, 1983).
- [13b] Reprinted in Luban, *THE ETHICS OF LAWYERS* (Dartmouth, 1994).
- [13c] Excerpted in Richard L. Abel, *LAWYERS: A CRITICAL READER* (New Press, 1997), pp. 3-12.
- [13d] Japanese translation by Hiroshi Sumiyoshi, *COMPARATIVE LAW REVIEW*, vol. 33, no. 1 pp. 93-142 (1999)(part 1); vol. 33, no. 2, pp.183-210 (1999)(part 2).
- [13e] Substantially revised and updated in Luban, *LEGAL ETHICS AND HUMAN DIGNITY*.
- [13f] Excerpted in *PROFESSIONS IN ETHICAL FOCUS: AN ANTHOLOGY*, Fritz Allhoff & Anand J. Vaidya (Broadview Press, 2008)
- [14] *Epistemology and Moral Education*, JOURNAL OF LEGAL EDUCATION, vol. 33, no. 4, pp. 636-61 (1983).
- [15] *Group Portrait With Lawyers*, SOCIAL RESPONSIBILITY, vol. 9, pp. 20-36 (1983).

- [16] *The Legal Profession Protects Itself*, THE HASTINGS CENTER REPORT, vol. 14, no. 1, pp. 20-21 (1984).
- [17] *The Sources of Legal Ethics: A German-American Comparison of Lawyers' Professional Duties*, RABELS ZEITSCHRIFT FÜR AUSLÄNDISCHES UND INTERNATIONALES PRIVATRECHT, vol. 48, no. 2, pp. 245-88 (1984).
- [18] *Against Autarky*, JOURNAL OF LEGAL EDUCATION, vol. 34, no. 2, pp. 176-89 (1984).
- [19] *Mandatory Pro Bono: A Workable (and Moral) Plan*, MICHIGAN BAR JOURNAL, vol. 64, no. 3 (1985); a version appeared in QQ: REPORT FROM THE CENTER FOR PHILOSOPHY AND PUBLIC POLICY, vol. 5, no. 1.
- [19a] Excerpted in Robert F. Cochran, Jr. & Teresa S. Collett, CASES & MATERIALS ON THE RULES OF THE LEGAL PROFESSION (West Publishing, 1996), pp. 279-82.
- [20] *Bargaining and Compromise: Recent Work on Negotiation and Informal Justice*, PHILOSOPHY & PUBLIC AFFAIRS, vol. 14, no. 4, pp. 397-416 (1985).
- [21] *Political Legitimacy and the Right to Legal Services*, BUSINESS AND PROFESSIONAL ETHICS, vol. 4, nos. 3-4, pp. 43-68 (1985).
- [22] *Fish v. Fish, or, Some Realism About Idealism*, CARDOZO LAW REVIEW, vol. 7, no. 3, pp. 693-711 (1986).
- [23] *The Paradox of Deterrence Revived*, PHILOSOPHICAL STUDIES, vol. 50, no. 2. (1986), pp. 129-41 (1986).
- [24] *Legal Modernism*, MICHIGAN LAW REVIEW, vol. 86, no. 8, pp. 1656-95 (1986).
- [24a] Revised and reprinted in Luban, LEGAL MODERNISM.
- [25] *The Legacy of Nuremberg*, QQ, vol. 6, no. 1 (Winter 1986). This is an abridged version of [32].
- [25a] Reprinted in Claudia Mills, ed., VALUES IN PUBLIC POLICY (Harcourt Brace Jovanovich, 1992), pp. 322-27.
- [26] *Judging Judges*, QQ, vol. 6, no. 2 (Spring 1986).
- [26a] Reprinted in COURT REVIEW, vol. 23, no. 4
- [26b] An abridgment appeared as an op-ed in the TAMPA TRIBUNE-TIMES: *Judging the Judges* (August 24, 1986).
- [27] *Should Legal Services Rise Again?* QQ, vol. 6, no. 4 (Fall 1986).
- [27a] Reprinted in Claudia Mills, ed., VALUES IN PUBLIC POLICY (Harcourt Brace Jovanovich, 1992), pp. 158-63.
- [28] *The Lysistratian Prerogative: A Response to Stephen Pepper*, AMERICAN BAR FOUNDATION RESEARCH JOURNAL, vol. 1986, no. 4, pp. 637-49 (1986).

- [28a] Excerpted in Andrew Kaufman, *PROBLEMS IN PROFESSIONAL RESPONSIBILITY*, 3rd ed. (Little-Brown, 1989), pp. 265-73.
- [29] *A Fierce Blindness* (review essay of Kenneth Mann, *DEFENDING WHITE-COLLAR CRIME*), *CRIMINAL JUSTICE ETHICS*, vol. 5, no. 1, pp. 69-78 (1986).
- [30] *Some Greek Trials: Order and Justice in Homer, Hesiod, Aeschylus, and Plato*, *TENNESSEE LAW REVIEW*, vol. 54, no. 2, pp. 279-325 (1987).
- [30a] Revised and reprinted in Luban, *LEGAL MODERNISM*
- [30b] Excerpted in Anthony D'Amato and Arthur J. Jacobson, eds., *JUSTICE AND THE LEGAL SYSTEM: A COURSEBOOK* (Anderson Publishing, 1992).
- [31] *Law: The Decline of the Public Service Ideal*, *THE HASTINGS CENTER REPORT*, vol. 17, no. 1, special supplement, pp. 11-12 (1987).
- [32] *The Legacies of Nuremberg*, *SOCIAL RESEARCH*, vol. 54 no. 4, pp. 779-829 (1987).
- [32a] Revised and reprinted in Luban, *LEGAL MODERNISM*.
- [32b] Reprinted in *THE INTERNATIONAL LIBRARY OF ESSAYS IN LAW & LEGAL THEORY, WAR CRIMES LAW*, vol. 2 (Ashgate Publishing Group, 2006).
- [32c] Reprinted in Guénaél Mettraux, ed., *PERSPECTIVES ON THE NUREMBERG TRIAL* (Oxford University Press, 2008).
- [33] *Action and Reaction in International Law*, *PROCEEDINGS OF THE AMERICAN SOCIETY OF INTERNATIONAL LAW*, 1987, pp. 420-426 (1987).
- [34] *Judicial Activism vs. Judicial Restraint: A Closer Look at the Bork Nomination*, *QQ*, vol. 7, no. 4 (Fall 1987).
- [34a] Reprinted in Claudia Mills, ed., *VALUES IN PUBLIC POLICY* (Harcourt Brace Jovanovich, 1992), pp. 164-70.
- [35] *The Noblesse Oblige Tradition in the Practice of Law*, *VANDERBILT LAW REVIEW*, vol. 41, no. 4, pp. 717-40 (1988).
- [36] *Should Lawyers Advertise?* *QQ*, vol. 8, no. 3 (Summer 1988).
- [36a] Reprinted in Claudia Mills, ed., *VALUES IN PUBLIC POLICY* (Harcourt Brace Jovanovich, 1992), pp. 152-57.
- [37] *The Quality of Justice*, *DENVER UNIVERSITY LAW REVIEW*, vol. 66, no. 3, pp. 381-417 (1989). The symposium containing this paper shared the 1989 Center for Public Resources Book Prize for Excellence and Innovation in Alternative Dispute Resolution.
- [38] *Difference Made Legal: The Court and Dr. King*, *MICHIGAN LAW REVIEW*, vol. 87, no. 8, pp. 2152-2224 (1989).

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- [139] *Tales of Terror: Lessons for Lawyers from the 'War on Terrorism'*, in Kieran Tranter et al., eds., *REAFFIRMING LEGAL ETHICS: TAKING STOCK AND NEW IDEAS* (Routledge, 2010), pp. 56-72.
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<http://revistas.unaerp.br/index.php/paradigma/article/view/909/pdf>.

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[9] *Review of Dana Villa, ed.*, *THE CAMBRIDGE COMPANION TO HANNAH ARENDT*, *ETHICS*, vol. 113, no. 3 (2003), pp. 724-30.

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C. Journalism, etc.

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- also in OAKLAND TRIBUNE, June 14, 2006.

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- [21] *Were the A-Bombs the Last Resort?* STOCKDALE CENTER FOR ETHICAL LEADERSHIP BLOG, March 1, 2021, https://www.usna.edu/Ethics/blog/2020/Were_the_A-Bombs_the_Last_Resort.php.

D. Selected articles in JUST SECURITY

- [1] *Will Syria Redefine the Just War?* (Sept. 24, 2013), <https://www.justsecurity.org/1035/syria-redefine-war/>
- [2] *Book Review: Lincoln's Code: The Laws of War in American History* (Oct. 3, 2013), <https://www.justsecurity.org/1609/book-review-lincolns-code/>
- [3] *European Court of Human Rights to Torture Victims: Get Lost* (Jan. 15, 2014), <https://www.justsecurity.org/5726/echr-torture-victims-lost/>
- [4] *CJEU's Definition of "Internal Armed Conflict": The Diakité Case* (Feb. 6, 2014), <https://www.justsecurity.org/6814/cjeus-definition-internal-armed-conflict-diakite-case/>
- [5] *Remembering Abu Ghraib (1): Torture Everywhere and the Accountability Gap* (Apr. 28, 2014), <https://www.justsecurity.org/9964/remembering-abu-ghraib-1-torture-accountability-gap/>

- [6] *Remembering Abu Ghraib (2): Not Company Men and Women* (Apr. 28, 2014), <https://www.justsecurity.org/9971/remembering-abu-ghraib-2-company-men-women/>
- [7] *“Just Looking for Loopholes”* (Oct. 19, 2014), <https://www.justsecurity.org/16540/just-loopholes/>
- [8] *Why Do We Talk About Torture the Way We Do?* (Dec. 15, 2014), <https://www.justsecurity.org/18407/talk-torture-do/>
- [9] *Palestine and the ICC—Some Legal Questions* (Jan. 2, 2015), <https://www.justsecurity.org/18817/palestine-icc-legal-questions/>
- [10] *The APA Scandal* (July 13, 2015), <https://www.justsecurity.org/24577/apa-scandal/>
- [11] *Trump and Torture* (Mar. 21, 2016), <https://www.justsecurity.org/30104/trump-torture/>
- [12] *The Case Against Serving* (Nov. 14, 2016), <https://www.justsecurity.org/34404/case-serving-trump/>
- [13] *Shrinking the “Bloated” Federal Bureaucracy: A Bad Solution to a Non-Problem* (Nov. 28, 2016), <https://www.justsecurity.org/34931/shrinking-bloated-federal-bureaucracy-bad-solution-non-problem/>
- [14] *Indefensible: Why Guantánamo defense lawyers can’t ethically participate any longer* (Oct. 15, 2017), <https://www.justsecurity.org/45963/indefensible-guantanamo-defense-lawyers-cant-ethically-participate-longer/>
- [15] *The Guantánamo Ethics Mess* (Oct. 29, 2017), <https://www.justsecurity.org/46425/guantanamo-ethics-standoff/>
- [16] *The “Interests of Justice” at the ICC: A Continuing Mystery* (Mar. 17, 2020), <https://www.justsecurity.org/69188/the-interests-of-justice-at-the-icc-a-continuing-mystery/>
- [17] *Torture Evidence and the Guantánamo Military Commissions* (May 26, 2021), <https://www.justsecurity.org/76640/torture-evidence-and-the-guantanamo-military-commissions/>
- [18] *Course Correction Still Needed on Anti-Torture Obligations* (Aug. 9, 2021)(with Scott Roehm), <https://www.justsecurity.org/76640/torture-evidence-and-the-guantanamo-military-commissions/>
- [19] *What the ICC Prosecutor Charged – and Didn’t Charge – in Gaza Warrants* (May 22, 2024), <https://www.justsecurity.org/95985/icc-gaza-warrant-charges/>
- [20] *The Ethics Complaint Against Liz Cheney: Blue Smoke Without Fire* (January 2, 2025), <https://www.justsecurity.org/106004/ethics-complaint-cheney-hutchinson/>

E. Congressional testimony

House Judiciary Committee (Subcommittee on the Constitution, Rights, and Civil Liberties)(May 6, 2008) on the role of government lawyers in the torture programs.

Senate Judiciary Committee (Subcommittee on Administrative Oversight and the Courts)(May 13, 2009), “What Went Wrong: Torture and the Office of Legal Counsel in the Bush Administration.”

Lectures and presentations

300 lectures, workshops, and presentations, in the United States and Puerto Rico, Australia, Canada, Chile, China, Colombia, Germany, Israel, Italy, Japan, Mexico, Netherlands, Norway, Palestine, Portugal, Serbia, South Africa, Spain, Switzerland, Turkey, the UK, Ukraine.

Named lectures, keynotes, and other major lectures:

Lecture, “The Standard Conception of the Lawyer’s Role,” Center for Constitutional Studies, Mexico City (livedstreamed to an audience of 1500)

Keynote, “Religion, Hateful Expression, and Violence” conference, Florence (2022)

Keynote, U.S. Military Academy conference “The War on Terror Twenty Years Later” (2021)

Minerva Center Lecture, Tel Aviv University (2020)(virtual)

Schlaretsky Memorial Lecture, University of Maryland (2020)

Keynote, McCain Conference, U.S. Naval Academy (2019)

Keynote, International Legal Ethics Conference in Tokyo (ILEST)(2019)

Mudd Center Ethics and Identity lecture, Washington and Lee University (2019)

Public lecture, “Legal Ethics in the Spotlight: Guantánamo, the White House, and #MeToo,” University of Amsterdam/Amsterdam Bar Association (2018)

Keynote, “The Enemy of All Humanity” (symposium on my work), Free University of Amsterdam (2018)

Public lecture, “The Power of Bureaucrats,” Museum of Jewish Heritage, New York (2018)

Keynote, “Sovereigns as Trustees of Humanity: Stocktaking” conference, Lauterpacht Centre, Cambridge University (2018)

Keynote, Ethics of War and Peace conference, U.S. Military Academy (2017)

Keynote, “Beyond the State” conference, McMaster University (2017)

Keynote, IVR International Congress, Lisbon, Portugal (2017)

Keynote, Conference on Professional Ethics in Law (co-hosted by five Chilean law schools), Santiago, Chile (2016)

Keynote, “Rethinking Access to Justice” conference, Texas A&M University School of Law (2015)

Keynote, “The Silence of Torture” conference, University of Bologna (conference on *Torture, Power, and Law* and Matthew Kramer’s *Torture and Moral Integrity*)(2014)

Keynote, Ratio Juris conference, University of Catanzaro (Italy)(2014)

Keynote, McCain Conference, U.S. Naval Academy (2014)

Keynote, “Ethics in National Security” conference, Penn Law School Center for Ethics and the Rule of Law (2013)

Keynote, National Consortium of Torture Treatment Programs annual convention (2013)

Carhart Lecture, Ohio Northern University (2012)

Routledge Lecture in Philosophy, Cambridge University (2011)

Murphy Center Lecture on Human Dignity, St. Thomas Law School (2011)

Keynote, 3TU Conference on Ethics and War, The Hague (2011)

Ethics and Society Lecture, Stanford University (2011)

Keynote, Union of Turkish Bar Associations Legal Ethics Conference, Ankara (2010)

Tabor Lecture, Valparaiso Law School (2010)

Beijing Academy of Social Sciences (2009)

Gertler Lecture, University of Saskatchewan Law School (2009)

Fordham Natural Law Colloquium (2009)

Charles Ihlenfeld Lecture, West Virginia University Law School (2008)

United States Military Academy (2005, 2008)

Angela S. Cooney Memorial Lecture, Syracuse Law School (2008)

Keynote, Third International Conference on Legal Ethics, Gold Coast, Australia (2008)

Steinrager Lecture, Wake Forest Law School (2008)

Isaac Franck Memorial Lecture, Georgetown University (2008)

Bell Lecture, Wooster College (1999, 2007)

Keynote, Association of Applied and Professional Ethics (2007)

Evelyn Barker Memorial Lecture, University of Maryland-Baltimore County (2007)

Van Arsdell Lecture, University of Illinois Law School (2004)
 Keynote, Amintaphil biennial conference (2004)
 Keynote, Ninth Circuit Judicial Conference (2003)
 Keynote, Arthur Liman Colloquium, Yale Law School (2002)
 Irving S. Ribicoff Memorial Lecture, Yale Law School (2001)
 Tilburg University conference on *Legal Modernism* (2000)(three lectures)
 Condon-Faulkner Distinguished Lecture, University of Washington Law School (1999)
 Blankenbaker Lecture, University of Montana Law School (1998)
 Morris A. Gross Lecture, University of Toronto Law School (1996)
 Phi Beta Kappa Lecture, Brooklyn College (1994)
 Phi Beta Kappa Lecture, Troy State University (1993)
 Bertram Morris Colloquium, University of Colorado Law School (1992)
 Smithsonian Fellows Lecture (1987)
 Catriona Gibson Memorial Lecture, Queen's University, Kingston, Canada (1982)

Other professional activities

Current:

Fellowships at Auschwitz for the Study of Professional Ethics (FASPE) Advisory Board
 Board of Directors, International Association of Legal Ethics
 Academic Committee, Fellowships at Auschwitz for the Study of Professional Ethics (FASPE)
 Editorial board, ETHICS AND INTERNATIONAL AFFAIRS
 Editorial board, LEGAL ETHICS
 Editorial board, ETHICS AND BEHAVIOR
 Advisory Board, Forum on International Criminal and Humanitarian Law
 Founding Editor, *Just Security* blog

Past:

Law leader, Fellowships at Auschwitz for the Study of Professional Ethics (FASPE)(legal ethics program taught in Berlin, Krakow, and Auschwitz-Birkenau to 14 full-scholarship law students and recent graduates, with a comparative focus on the role of lawyers in the Third Reich) (2016, 2024)
 Steering committee, AAAS project New Dilemmas in Ethics, Technology, and War
 Advisory committee on legal and ethical issues, Stimson Foundation working group on U.S. drone policy (2013-14)
 U.S. Department of Defense Cross-Domain Deterrence Initiative (2010)
 D.C. Bar Ethics Committee (2004-2010).
 Chair, AALS Section on Law and Interpretation (2002-04).
 American Philosophical Association Committee on Law and Philosophy (2000-03).
 - Chair, 2001-03.
 D.C. Bar Special Committee on Civility Implementation (1998-99).
 Trustee and Advisory Board, The Fantasy Salvage Fund (1999-2009).
 Advisory Board, Open Society Institute project on the legal profession (1997-2000).
 Advisory Board member, lawyers' oral history project, University of North Carolina School of Law (1994).
 Advisory Board, Texas Center on Professionalism (1993-95).
 Advisory Board, Hoffberger Center on Professional Ethics (1990-95).
 Director, NEH Summer Seminar for College Teachers, "The Changing Roles of the American Judge," summer 1991.
 Editor, NATIONAL REPORTER FOR LEGAL ETHICS AND PROFESSIONAL RESPONSIBILITY 1986-91; wrote 19 editor's essays on recent cases.

“The Rule of Law and Justice” -- week-long seminar for state-court judges -- American Academy of Judicial Education, Monterey, California, August 1990.
 1988 Chair, Association of American Law Schools Professional Responsibility Section.
 1989 Secretary, Association of American Law Schools Law and Humanities Section.
 Chair, planning committee for Association of American Law Schools quadrennial Professional Responsibility workshop (1987-88).
 Consultant for WETA Television: reviewed teaching guide for program “Ethics on Trial” (1987).
 Working Group member, Hastings Center Project on Professional Ethics and Public Values (1987-88).
 Faculty member, Association of American Law Schools Professional Responsibility Section quadrennial mini-workshops (March 1984, March 1988).
 “Ethics in Judicial Decision-Making” -- American Academy of Judicial Education seminars given to all state trial and appellate judges in New Mexico, New Mexico Judicial Conclave, June 1988.
 Week-long seminar for state court judges on ethics and technology -- American Academy of Judicial Education, Jackson Hole, Wyoming, July 1988.
 Faculty, The Hasting Center Summer Workshop on Applied and Professional Ethics (July 1982) -- week-long seminar for law teachers and lawyers on ethics and the legal profession.

Doctoral students

Amy Sepinwall, Ph.D., philosophy (2008)
 Ralph DeFalco III, Doctor of Liberal Studies (2011)
 Sangkul Kim, SJD (2015)
 Amelia Uelmen, SJD (2016)
 Beba Cibralic, Ph.D., philosophy (2023)
 Molly Wilder, Ph.D., philosophy (2024)
 Milton Toledo, SJD (2025)